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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. R. 1672—*L. R.* 301-36-7, *dated Bangalore, the 7th October* 1937.

In virtue of the powers vested in them under Section 30 of the Mysore Debt Conciliation Regulation VI of 1937, the Government of His Highness the Maharaja are pleased to issue the following rules under the said Regulation, the draft rules in the said behalf having been published with Notification No. R. 911—L. R. 301-36-6, dated 24th August 1937, in pages 192 to 212 of Part IV of the *Mysore Gazette*, dated 26th August 1937.

By Order,
B. T. KESAVIENGAR,
Chief Secretary to Government.

The Mysore Debt Conciliation Regulation, 1937 (Regulation No. VI of 1937)—Rules under the Regulation.

1. These rules may be called the Mysore Debt Conciliation Rules, 1937.

2. In these Rules—

(*a*) "The Regulation" means the Mysore Debt Conciliation Regulation, 1937 (Regulation No. VI of 1937);

(*b*) "Board" means a Board established under the Regulation;

(*c*) "Deputy Commissioner" means the Deputy Commissioner of the District within whose jurisdiction the Board is established; and

(*d*) "Section" means a Section of the Regulation.

3. (1) The quorum necessary for the transaction of business at a meeting of the Board shall be two of whom one shall be the Chairman.

(2) The Chairman shall preside at every meeting of the Board and shall regulate the course of all business.

4. (1) If any member of a Board other than the Chairman is a party to, or personally interested in, any application before the Board, he shall withdraw from the Board during the hearing of such application and shall take no part in its determination.

(2) If the Chairman is a party to, or personally interested in, any application before the Board, the Chairman shall report such fact to the Revenue Commissioner through the Deputy Commissioner of the District, if there is only one Board in the District, or if there is more than one Board, to the Deputy Commissioner concerned, and the Revenue Commissioner or the Deputy Commissioner, as the case may be, shall transfer the application to another Board for disposal.

5. (1) The headquarters of a Board shall be the headquarters of the Officer who is its Chairman or if the Chairman is a non-official such place as may be fixed by the Revenue Commissioner.

(2) The Board shall ordinarily sit for the transaction of its business at its headquarters but may sit at such other place as may be fixed by its Chairman. The Chairman shall fix the time for each meeting. In fixing the place and time for meetings, the Chairman shall have regard to the convenience of the Board and of the parties.

(3) The Board may adjourn its proceedings as may be deemed desirable for the proper transaction of its business.

6. Application under Section 4, notices under Sections 8 and 10 and certificates under Section 19 (1) shall be in such of the forms in Appendix I to these rules as may be applicable.

7. Every application under the Act shall be presented at the office of the Board during office hours by the applicant in person or by an agent authorised by him in writing to the Chairman or during his absence to the person authorised by the Chairman to receive such application on his behalf.

8. If applications for the settlement of the debts of the same debtor are made to more than one Board, the Deputy Commissioner of the District, if the Boards are within a District and the Revenue Commissioner if they are in different Districts, shall call for the applications from the different Boards and decide which Board can most conveniently deal with all such applications and transfer for disposal by such Board all such applications presented to the other Boards.

Pending such decision by the Deputy Commissioner of the District or the Revenue Commissioner, as the case may be, no further proceedings shall be taken in respect of the applications by any of the Boards.

9. Every application under Section 4 shall be stamped with a Court Fee Stamp of the value of twelve annas.

10. The proceedings of the Board may be either in English or in Kannada, and in case they are in Kannada, an English translation should form part of the records.

11. In making an enquiry under the Act, the Board may examine orally any party, or any other person supposed to be acquainted with the matter under enquiry or any fact relevant thereto, and the Chairman shall reduce to writing the substance of such examination.

Such party or other person shall be bound to answer truly all questions relating to such matter or fact put to him by the Board other than questions the answers to which would expose him to a criminal charge or to a penalty or forfeiture.

12. The written statements filed by parties and the substance of the examination of parties and other persons, reduced to writing under Rule 11, shall form part of the record.

13. All certificates granted by the Board shall be signed by the Chairman and shall be dated and sealed with the seal of the Board.

14. A copy of the notice under sub-section (1) of Section 10 shall be served on each known creditor. A copy shall also be posted on the Notice Board of the Deputy Commissioner's Office, of the Taluk Office in each of the Taluks where the debtor has property and of the office of the Board.

A copy shall also be posted in a conspicuous place in the village where the debtor ordinarily resides and in each

of the villages in which any immovable property, in which the debtor has any saleable interest, is situated.

15. Every summons issued under the Regulation shall be in writing and shall require the person summoned to appear at a stated time and place and shall specify whether his attendance is required for the purpose of giving evidence, or to produce a document, or for both purposes, and particular document, the production of which is required, shall be precisely specified.

16. Any person summoned merely to produce a document shall be deemed to have complied with the summons, if he causes such document to be produced, without attending personally to produce the same.

17. (1) The service of summons under the Act on any person may be effected—

(*a*) by giving or tendering it to such person; or

(*b*) if such person is not found, by leaving it at his last known place of abode or business, or by giving or tendering it to some adult member of his family or his authorised agent; or

(*c*) if the address of such person is known to the Board, by sending it to him by post, registered; or

(*d*) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of abode or business.

(2) When the serving officer delivers or tenders a copy of the summons to the person concerned personally or to an agent or other person on his behalf, such officer shall require the person to whom the copy is delivered or tendered to sign an acknowledgment of service endorsed on the original summons.

(3) The serving officer shall, in all cases in which the summons has been served, add or cause to be added to the original summons an endorsement or annexure stating the date when, and the manner in which, the summons was served and the name and address of the person (if any) identifying the person served, or his place of abode or business and witnessing the delivery, posting or tender of the summons.

(4) All processes issued by the Board shall be served through the agency of the revenue establishment.

18. When the person whose evidence is required is unable, from sickness or infirmity, to attend before the Board issuing the summons, or is a person whom by

reason of rank or sex it may not be proper to summon, the Board issuing the summons may, of its own motion or on the application of the person whose evidence is required, dispense with his appearance, and order him to be examined by a person deputed by the Board for the purpose.

19. Where the person whose attendance is required is a Public Officer, or is the servant of a Railway Company or local authority, the officer issuing the summons may, if it appears that the summons may be most conveniently so served, send it by registered post prepaid for acknowledgment for service on the person whose attendance is required, to the head of the office in which he is employed together with a copy to be retained by that person.

20. (1) A party who desires the attendance of a witness either to give evidence or produce a document shall deposit with the Board:

(*a*) in Court-fees stamps, process fees in accordance with the scales prescribed in the Civil Rules of Practice and Circular Orders, and

(*b*) in cash, allowances for travelling to and attending at Court in accordance with the scales laid down in Rules 134 and 135 of the Civil Rules of Practice and Circular Orders.

(2) If the party required to make such deposits fails to do so within 15 days from the date of his application for the issue of process, such application shall be dismissed. But he may, within one month of such dismissal, apply to have the dismissal set aside and the Board may in its discretion restore the application and deal with it.

(3) When the Board causes the attendance of a witness of its own motion and not at the instance of a party, the Board shall pass such orders as it thinks fit as to the payment of expenses to the witness and as to the party or parties by whom such expenses are to be borne.

21. (1) The stamp duty on an agreement drawn up under sub-section (2) of Section 14 shall be paid by the debtor.

(2) The cost of registering the agreement shall be paid by the creditors who are parties to it, the amount payable by each creditor being proportionate to the compounded debt stated to be payable to him under the

agreement. If any creditor commits default in paying share of such cost, it shall be recoverable from him as an arrear of land revenue.

22. Every application for a copy shall be addressed to the Chairman. The rules regarding grant of certified copies in Land Revenue Rules 111 to 113 of the Land Revenue Rules as for the time being in force shall be followed in granting copies of the records maintained by a Board.

23. (1) The following Registers and books shall be maintained by a Board :—

(*a*) Register of applications.
(*b*) Register of certificates.
(*c*) (*i*) Process Register.
(*ii*) Nominal Roster of Process Servers.
(*d*) Diet-money register.
(*e*) Register of copy applications.
(*f*) Receipt book (in duplicate foils).
(*g*) Register of contingent expenditure.
(*h*) Cash Book.
(*i*) Remittance Register.

These registers and books shall be maintained in the forms prescribed in Appendix II to these rules.

(2) After the close of each official year, the registers and books specified in sub-rule (1), after the entries relating to pending cases have been transcribed into new registers and books, and the records relating to completed proceedings of cases shall be transferred :

(*a*) if the headquarters of the Board is at the District headquarters, to the office of the Deputy Commissioner and
(*b*) in other cases, to the office of the Revenue Sub-Divisional Officer within whose jurisdiction the headquarters of the Board is situated.

(3) The registers, books and records aforesaid shall be preserved for the periods specified below against each:—

(*a*) Registers and books—6 years.
(*b*) Records relating to cases—
(*i*) dismissed under Section 9—2 years.
(*ii*) dismissed under Section 17—2 years.
(*iii*) in which certificates have been granted under Section 19 (1)—20 years ; and
(*iv*) which have resulted in an agreement—3 years after the date of payment of the last instalment.

24. Each Board shall submit through the Deputy Commissioner to the Revenue Commissioner, a monthly progress return in Form No. VI in Appendix I to these rules.

25. Each Board shall submit not later than the 1st August every year to the Deputy Commissioner for submission to the Revenue Commissioner an annual report on the working of the Act during the previous official year. Such report shall indicate :—

(*i*) Progress of work and results achieved;
(*ii*) Difficulties experienced in working the Act;
(*iii*) Amendments, if any, that appear to be necessary to the Act or the rules; and
(*iv*) Such statistics or other information as may be prescribed, from time to time, by the Revenue Commissioner.

26. The Chairman or a member of the Board, if a non-official, shall be entitled to draw travelling allowance for any journey performed by him in connection with his duties as such Chairman or member at the following rates :—

Journey by rail	... One second class and one third class.
Journeys by road	... Annas four a mile.
Daily allowance for halts	... Rupees four.

The drawal of allowances will be regulated in accordance with the provisions contained in Part X of the Mysore Service Regulations.

27. The Chairman or a member of a Board, if an official, shall be entitled to draw for any journey, travelling allowance and halting allowance at rates to which he would be entitled by virtue of his official position.

28. The Deputy Commissioner shall be the controlling officer empowered to countersign the travelling allowance bills of the Chairman and members of a Board.

29. The Government may provide for each Board such ministerial and menial staff as it may from time to time require, and may regulate the conditions of their employment and fix the salaries and allowances payable to them.

30. In all administrative matters, the Board shall be subordinate to the Deputy Commissioner who shall be subject to the control of the Revenue Commissioner and the Government. The Deputy Commissioner shall

appoint, punish and generally control the staff of the Board but may, with the concurrence of the Revenue Commissioner, delegate to the Chairman of a Board such of his powers under this rule except that of appointment, as he may see fit. But the Chairman of the Board shall be competent to appoint and punish the menial establishment.

31. The Deputy Commissioner shall inspect the Board's records at least once a year, but he may inspect them more frequently if he sees fit to do so. He shall submit a report to the Revenue Commissioner on the results of such inspection, once a year.

32. In every case in which a debtor or a creditor is a minor or a person of unsound mind, the procedure laid down in Order XXXII of the First Schedule to the Code of Civil Procedure, 1911, shall be applied.